

Existing and H.505 Proposed Penalties Comparison

Offense	Statute	Current Penalty	Automatic Classification	Proposed Penalty	Impact of Automatic Classification
Schedule V drugs – sale – 1 st offense	18 V.S.A. § 4215a(d)	6 months/\$500/both	C misdemeanor	6 months/\$1,000/both	Fine increase
Schedule V drugs – sale – 2 nd or subsequent offense	18 V.S.A. § 4215a(d)	2 years/\$2,000/both	C misdemeanor	6 months/\$1,000/both	Imprisonment and fine decrease
Fraud or deceit	18 V.S.A. § 4223(i)	2 years and 1 day/\$5,000/both	A misdemeanor	2 years/\$5,000/both	Imprisonment decrease
Noncontrolled drug or substance – unlawful manufacture, distribution, dispensing, or sale	18 V.S.A. § 4228(f)	1 year/\$5,000/both	B misdemeanor	1 year/\$2,500/both	Fine decrease
Noncontrolled drug or substance – unlawful manufacture, distribution, dispensing, or sale – selling to a person under 21	18 V.S.A. § 4228(f)	2 years/\$10,000/both	A misdemeanor	2 years/\$5,000/both	Fine decrease
Cannabis – possession of 60 grams or more	18 V.S.A. § 4230(a)(2)(A)	6 months/\$500/both	B misdemeanor	1 year/\$2,500/both	Imprisonment and fine increase
Cannabis – possession of 60 grams or more – 2 nd or subsequent offense	18 V.S.A. § 4230(a)(2)(B)	2 years/\$2,000/both	A misdemeanor	2 years/\$5,000/both	Fine increase

Cannabis – possession of 8 ounces of cannabis or 1.4 ounces of hashish or cultivating more than 4 mature or 8 immature cannabis plants	18 V.S.A. § 4230(a)(3)	3 years/\$10,000/both	A misdemeanor	2 years/\$5,000/both	Imprisonment and fine decrease
Cannabis – possession of more than 1 pound of cannabis or more than 2.8 ounces of hashish or cultivating more than 6 mature or 12 immature cannabis plants	18 V.S.A. § 4230(a)(4)	5 years/\$10,000/both	E felony	3 years/\$7,500/both	Imprisonment and fine decrease
Cannabis – possession of more than 10 pounds of cannabis or more than 1 pound of hashish or cultivating more than 12 mature or 24 immature cannabis plants	18 V.S.A. § 4230(a)(5)	15 years/\$500,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
Cannabis – sale of cannabis or hashish	18 V.S.A. § 4230(b)(1)	2 years/\$10,000/both	B misdemeanor	1 year/\$2,500/both	Imprisonment and fine decrease
Cannabis – sale or dispensing more than 1 ounce of cannabis or 5 grams or more of hashish	18 V.S.A. § 4230(b)(2)	5 years/ \$100,000/both	A misdemeanor	2 years/\$5,000/both	Imprisonment and fine decrease

Cannabis – sale or dispensing 1 pound or more of cannabis or 2.8 ounces or more of hashish	18 V.S.A. § 4230(b)(3)	15 years/\$500,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
Cannabis – trafficking 50 pounds or more of cannabis or 5 pounds or more of hashish	18 V.S.A. § 4230(c)	30 years/\$1,000,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease
Cannabis – dispense to a person under 21; or knowingly enable consumption by a person under 21	18 V.S.A. § 4230f(c)	2 years/\$2,000/both	A misdemeanor	2 years/\$5,000/both	Fine increase
Cannabis – dispense to a person under 21; or knowingly enable consumption by a person under 21 – where the person under 21 while operating a motor vehicle on a public highway causes death or serious bodily injury to themselves or to another person as a result of the violation	18 V.S.A. § 4230f(d)	5 years/\$10,000/both	D felony	5 years/\$10,000/both	
Cannabis – A person 18, 19, or 20 who knowingly dispenses to a person under 18 who is at least three years that person’s junior	18 V.S.A. § 4230f(e)(3)	5 years	B misdemeanor	1 year/\$2,500/both	Imprisonment decrease and fine increase

Cannabis – A person who is 19 who knowingly dispenses to a person 17 or a person who is 18 who knowingly dispenses cannabis to a person who is 16 or 17	18 V.S.A. § 4230f(e)(4)	\$500	E misdemeanor	No term of imprisonment/\$250/both	Fine decrease
Cannabis – manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane	18 V.S.A. § 4230h(b)	2 years/\$2,000/both	A misdemeanor	2 years/\$5,000/both	Fine increase
Cannabis – manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane – and causes serious bodily injury to another person	18 V.S.A. § 4230h(b)	5 years/\$5,000/both	E felony	3 years/\$7,500/both	Imprisonment decrease and fine increase
Cocaine – possession	18 V.S.A. § 4231(a)(1)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Cocaine – possession of 5 grams or more	18 V.S.A. § 4231(a)(2)	5 years/\$100,000/both	E felony	3 years/\$7,500/both	Imprisonment and fine decrease
Cocaine – possession of 30 grams or more	18 V.S.A. § 4231(a)(3)	10 years/\$250,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
Cocaine – dispensing	18 V.S.A. § 4231(b)(1)	3 years/\$75,000/both	E felony	3 years/\$7,500/both	Fine decrease
Cocaine – sale	18 V.S.A. § 4231(b)(1)	5 years/\$100,000/both	D felony	5 years/\$10,000/both	Fine decrease

Cocaine – sale or dispensing 30 grams or more	18 V.S.A. § 4231(b)(3)	20 years/\$1,000,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease
Cocaine – trafficking 100 grams or more	18 V.S.A. § 4231(c)(1)	30 years/\$1,000,000/both	B felony	20 years/\$50,000/both	Imprisonment and fine decrease
LSD – possession	18 V.S.A. § 4232(a)(1)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
LSD – possession of 100 milligrams or more	18 V.S.A. § 4232(a)(2)	5 years/\$25,000/both	E felony	3 years/\$7,500/both	Imprisonment and fine decrease
LSD – possession of 1 gram or more	18 V.S.A. § 4232(a)(3)	10 years/\$100,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
LSD – dispensing	18 V.S.A. § 4232(b)(1)	3 years/\$25,000/both	E felony	3 years/\$7,500/both	Fine decrease
LSD – sale	18 V.S.A. § 4232(b)(1)	5 years/\$25,000/both	D felony	5 years/\$10,000/both	Fine decrease
LSD – sale or dispensing 100 milligrams or more	18 V.S.A. § 4232(b)(2)	10 years/\$100,000/both	C felony	10 years/\$25,000/both	Fine decrease
Heroin; fentanyl – possession	18 V.S.A. § 4233(a)(1)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Heroin; fentanyl – possession of 500 milligrams or more	18 V.S.A. § 4233(a)(2)	5 years/\$100,000/both	B misdemeanor	1 year/\$2,500/both	Imprisonment and fine decrease
Heroin; fentanyl – possession of 1 gram or more	18 V.S.A. § 4233(a)(3)	10 years/\$250,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
Heroin; fentanyl – possession of 2.5 grams or more	18 V.S.A. § 4233(a)(4)	20 years/\$1,000,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease
Heroin; fentanyl – dispensing	18 V.S.A. § 4233(b)(1)	3 years/\$75,000/both	E felony	3 years/\$7,500/both	Fine decrease
Heroin; fentanyl – sale	18 V.S.A. § 4233(b)(1)	5 years/\$100,000/both	D felony	5 years/\$10,000/both	Fine decrease

Heroin; fentanyl – sale and dispensing – 1 gram or more	18 V.S.A. § 4233(b)(3)	20 years/\$1,000,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease
Heroin; fentanyl – trafficking 5 grams or more	18 V.S.A. § 4233(c)	30 years/\$1,000,000/both	B felony	20 years/\$50,000/both	Imprisonment and fine decrease
Depressant, stimulant, and narcotic drugs – possession	18 V.S.A. § 4234(a)(1)(A)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Depressant, stimulant, and narcotic drugs – 100 times a benchmark unlawful dosage or its equivalent	18 V.S.A. § 4234(a)(2)	5 years/\$25,000/both	E felony	3 years/\$7,500/both	Imprisonment and fine decrease
Depressant, stimulant, and narcotic drugs – 1,000 times a benchmark unlawful dosage or its equivalent	18 V.S.A. § 4234(a)(3)	10 years/\$100,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
Depressant, stimulant, and narcotic drugs – dispensing	18 V.S.A. § 4234(b)(1)	3 years/\$75,000/both	E felony	3 years/\$7,500/both	Fine decrease
Depressant, stimulant, and narcotic drugs – sale	18 V.S.A. § 4234(b)(1)	5 years/\$25,000/both	D felony	5 years/\$10,000/both	Fine decrease
Methamphetamine – possession	18 V.S.A. § 4234a(a)(1)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Methamphetamine – possession of 2.5 grams or more	18 V.S.A. § 4234a(a)(2)	5 years/\$100,000/both	D felony	5 years/\$10,000/both	Fine decrease

Methamphetamine – possession of 25 grams or more	18 V.S.A. § 4234a(a)(3)	10 years/\$250,000/both	C felony	10 years/\$25,000/both	Fine decrease
Methamphetamine – dispensing	18 V.S.A. § 4234a(b)(1)	3 years/\$75,000/both	E felony	3 years/\$7,500/both	Fine decrease
Methamphetamine – sale	18 V.S.A. § 4234a(b)(1)	5 years/\$100,000/both	D felony	5 years/\$10,000/both	Fine decrease
Methamphetamine – sale or dispensing 25 grams or more	18 V.S.A. § 4234a(b)(3)	20 years/\$1,000,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease
Methamphetamine – trafficking 300 grams or more	18 V.S.A. § 4234a(c)	30 years/\$1,000,000/both	B felony	20 years/\$50,000/both	Imprisonment and fine decrease
Ephedrine and pseudoephedrine – possession of less than nine grams	18 V.S.A. § 4234b(a)(2)(A)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Ephedrine and pseudoephedrine – possession of nine or more grams	18 V.S.A. § 4234b(a)(2)(B)	5 years/\$100,000/both	E felony	3 years/\$7,500/both	Imprisonment and fine decrease
Hallucinogenic drugs – possession	18 V.S.A. § 4235(b)(1)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Hallucinogenic drugs – possession of 10 or more doses	18 V.S.A. § 4235(b)(2)	5 years/\$25,000/both	A misdemeanor	2 years/\$5,000/both	Imprisonment and fine decrease
Hallucinogenic drugs – possession of 100 or more doses	18 V.S.A. § 4235(b)(3)	10 years/\$100,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
Hallucinogenic drugs – possession of 1,000 or more doses	18 V.S.A. § 4235(b)(4)	15 years/\$500,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease

Hallucinogenic drugs – dispensing	18 V.S.A. § 4235(c)(1)	3 years/\$25,000/both	E felony	3 years/\$7,500/both	Fine decrease
Hallucinogenic drugs – sale	18 V.S.A. § 4235(c)(1)	5 years/\$25,000/both	D felony	5 years/\$10,000/both	Fine decrease
Hallucinogenic drugs – sale or dispensing 100 or more doses	18 V.S.A. § 4235(c)(3)	15 years/\$500,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease
Ecstasy – possession	18 V.S.A. § 4235a(a)(1)	1 year/\$2,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Ecstasy – possession of two grams or more	18 V.S.A. § 4235a(a)(2)	5 years/\$25,000/both	E felony	3 years/\$7,500/both	Imprisonment and fine decrease
Ecstasy – possession of 20 grams or more of one or more	18 V.S.A. § 4235a(a)(3)	10 years/\$100,000/both	D felony	5 years/\$10,000/both	Imprisonment and fine decrease
Ecstasy – dispensing	18 V.S.A. § 4235a(b)(1)	3 years/\$25,000/both	E felony	3 years/\$7,500/both	Fine decrease
Ecstasy – sale	18 V.S.A. § 4235a(b)(1)	5 years/\$25,000/both	D felony	5 years/\$10,000/both	Fine decrease
Ecstasy – sale or dispensing 20 grams or more	18 V.S.A. § 4235a(b)(3)	20 years/\$500,000/both	C felony	10 years/\$25,000/both	Imprisonment and fine decrease
Manufacture or cultivation of a regulated drug	18 V.S.A. § 4236(a)	20 years/\$1,000,000/both	B felony	20 years/\$50,000/both	Fine decrease
Dispensing regulated drugs to minors – at least 3 years that person’s junior	18 V.S.A. § 4237(a)	5 years	E felony	3 years/\$7,500/both	Imprisonment decrease and fine increase
Transportation of alcohol into places of detention	18 V.S.A. § 4249(b)	3 months/\$300/both	D misdemeanor	30 days/\$500/both	Imprisonment decrease and fine increase
Transportation of cannabis into places of detention	18 V.S.A. § 4249(c)	6 months/\$500/both	D misdemeanor	30 days/\$500/both	Imprisonment decrease

Transportation of regulated drugs, other than cannabis, into places of detention	18 V.S.A. § 4249(d)	1 year/\$1,000/both	B misdemeanor	1 year/\$2,500/both	Fine increase
Selling or dispensing a regulated drug with death resulting	18 V.S.A. § 4250(a)	2 years nor more than 20 years	B felony	20 years/\$50,000/both	Fine increase
Dispensing or selling regulated drugs in a dwelling	18 V.S.A. § 4252(c)	2 years/\$1,000/both	A misdemeanor	2 years/\$5,000/both	Fine increase
Drug paraphernalia – sale to a person under 18	18 V.S.A. § 4476(a)	2 years/\$2,000/both	C misdemeanor	6 months/\$1,000/both	Imprisonment and fine decrease